

SENATE BILL NO. 2233

Introduced by

Senator Cook

Representatives R. Kelsch, Porter

1 A BILL for an Act to amend and reenact sections 39-06-03.1, 39-06-14, and 39-06-19 of the
2 North Dakota Century Code, relating to the photograph background for operator's licenses and
3 identification cards.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 39-06-03.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **39-06-03.1. Nondriver photo identification card issued by director - Release of**
8 **information - Penalty - Public awareness.**

- 9 1. The director shall issue upon request a nondriver color photo identification card to
10 any North Dakota resident of the age of twelve years or over who fulfills the
11 requirements of this section. The director may issue upon request a nondriver
12 color photo identification card to any North Dakota resident under twelve years of
13 age who fulfills the requirements of this section, except that the form of verification
14 of the name and the date of birth is in the director's discretion, as is the manner in
15 which the records are kept. A nondriver color photo identification card issued to a
16 resident under twelve years of age expires on the twelfth birthday of that resident.
17 If the person is under the age of eighteen or at least the age of eighteen and under
18 the age of twenty-one, the photo must be against the same color background
19 required on a motor vehicle operator's license ~~of an operator under the age of~~
20 ~~twenty-one years~~ for an operator of that age.
- 21 2. The name and date of birth on all original applications must be verified by a birth
22 certificate or other satisfactory evidence. Applicants must produce documents
23 which will be acceptable as listed below:
- 24 a. Birth certificate.

- 1 b. Any other documentary evidence which confirms to the satisfaction of the
2 examining officer the true identity and date of birth of the applicant.
- 3 3. The fee is eight dollars. Fees collected pursuant to this section must be paid
4 monthly into the highway fund in the state treasury.
- 5 4. Any information obtained by the director from an applicant for the issuance,
6 renewal, or replacement of an identification card issuable pursuant to this chapter
7 may only be released in accordance with the provisions of section 39-16-03.
- 8 5. It is a class B misdemeanor for any person, except the director or the director's
9 authorized agent, to print or otherwise produce or reproduce cards or their
10 components, which may be utilized as identification cards issued pursuant to this
11 section.
- 12 6. The director is hereby authorized to utilize whatever advertising deemed necessary
13 to make the public aware of the card and its use.
- 14 7. Identification cards issued pursuant to this section shall be sufficient identification
15 whenever identification is required.
- 16 8. The director shall cancel any card upon determining that the holder is not entitled
17 to the issuance of the card under the laws of this state, or the holder has failed to
18 give the required or correct information to the director, or has committed fraud in
19 making such application, or the fee was in the form of an insufficient or no-account
20 check. Upon cancellation, the holder shall surrender such card to the director.
21 When a cancellation is in effect, any law enforcement officer may take custody of
22 such card.
- 23 9. A duplicate card may be obtained by making an application and paying an eight
24 dollar fee. For a cardholder who has reached the age of eighteen or twenty-one, a
25 replacement card may be obtained by making an application and paying an eight
26 dollar fee.

27 **SECTION 2. AMENDMENT.** Section 39-06-14 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **39-06-14. Licenses issued to operators - General - Classified driver's license.**

- 30 1. The director, upon payment of a ten dollar fee, shall issue to every qualified
31 applicant an operator's license as applied for in the form prescribed by the director.

1 The license must bear a distinguishing number assigned to the licensee, a color
2 photograph of the licensee, the full name, date of birth, residence address, and a
3 brief description of the licensee, and either a facsimile of the signature of the
4 licensee or a space upon which the licensee shall write the licensee's usual
5 signature. If the licensee is under the age of eighteen, the photograph must be
6 against a color border or background that is different from the color used for other
7 licensees. If the licensee is at least the age of eighteen and is under the age of
8 twenty-one, the photograph must be against a color border or background that is
9 different from the color used for other licensees. If requested on the license
10 application, the license issued by the director must include a statement making an
11 anatomical gift under chapter 23-06.2. No license is valid until it has been signed
12 by the licensee with the licensee's usual signature. The department shall develop
13 a system to require each applicant for an operator's license or renewal of an
14 operator's license to determine whether or not the applicant wishes to be a donor
15 under chapter 23-06.2. For purposes of verification, an officer may require the
16 licensee to write the licensee's signature in the presence of the officer. The
17 director may adopt rules, pursuant to chapter 28-32, relating to the manner in
18 which photographs are to be obtained and placed on operator's licenses. The
19 photograph may be produced by digital imaging or other electronic means and is
20 not a public record.

- 21 2. a. All applicants holding a valid North Dakota operator's license making
22 application for renewal must be issued a class D license without being
23 subjected to an examination as herein provided.
- 24 b. All applicants, except those holding a valid North Dakota operator's license
25 who will be issued a class D license, applying for issuance of operator
26 licenses must be issued a classified license after having been required to
27 submit to an examination in the type of motor vehicle or combination of
28 vehicles for which license is desired and which license shall authorize the
29 holder to drive the vehicles as provided in section 39-06.2-09, or as follows:
- 30 (1) Class D. Any single vehicle with a gross vehicle weight rating of
31 twenty-six thousand pounds [11793.40 kilograms] or less or any such

- 1 vehicle towing a vehicle with a gross vehicle weight rating not in excess
2 of ten thousand pounds [4535.92 kilograms]. A driver with a class D
3 license may operate a farm tractor towing another vehicle having a
4 gross weight in excess of ten thousand pounds [4535.92 kilograms],
5 and a truck towing a trailer, semitrailer, or farm trailer when the gross
6 weight of the trailer, semitrailer, or farm trailer, not including the weight
7 of the towing vehicle, does not exceed sixteen thousand pounds
8 [7257.48 kilograms].
- 9 (2) A house car or a vehicle towing a travel trailer being used solely for
10 personal purposes may be driven with a class D license.
- 11 (3) Farm exemption. The holder of a class D license may operate any
12 two-axle or tandem-axle motor vehicle, a farm tractor towing another
13 vehicle having a gross weight in excess of six thousand pounds
14 [2721.55 kilograms], and a truck or truck tractor towing a trailer,
15 semitrailer, or farm trailer exempted under subsection 3 of section
16 39-06.2-06, except:
- 17 (a) A double trailer, triple trailer, or, if under eighteen years of age, a
18 truck tractor as defined in subsection 85 of section 39-01-01.
- 19 (b) A bus designed to carry sixteen or more passengers, including
20 the driver.
- 21 (4) Class M. Any motor vehicle having a seat or saddle for the use of the
22 rider and designed to travel on not more than three wheels in contact
23 with the ground, but excluding motorized bicycles, tractors, and vehicles
24 on which the operator or passengers, or both, ride within an enclosed
25 cab. A class M vehicle may not be operated under a class A, B, C, or D
26 license.
- 27 c. The holder of a class A, B, C, or D license may receive a class M
28 endorsement upon successful completion of an examination.
- 29 d. The holder of a class A, B, or C license may drive any vehicle in that
30 classification, or lesser classification, except a class M vehicle.

- 1 e. An applicant sixteen years of age and older, who does not hold a current valid
2 operator's license may be issued a class M learner's permit after successful
3 completion of a written examination. The class M license will be issued after
4 the applicant has successfully completed a driver's examination.
- 5 f. Applicants fourteen or fifteen years of age may be issued a motorcycle
6 learner's permit if the applicant is enrolled in or has completed an approved
7 motorcycle safety course. Applicants for a motorcycle operator's license who
8 are under sixteen years of age shall hold an initial learner's permit for at least
9 two months before applying for a class M operator's license, shall have
10 completed an approved motorcycle safety course, and shall hold a valid
11 motorcycle learner's permit at the time of application. Any person under
12 sixteen years of age who holds a permit or license is restricted to the
13 operation of a motorcycle powered with an engine of two hundred fifty cubic
14 centimeters, or less, displacement. Evidence that the applicant has
15 satisfactorily completed a motorcycle safety course which meets the minimum
16 requirements of the motorcycle safety foundation must accompany the
17 application.
- 18 3. Any holder of a classified license who drives a motor vehicle otherwise than as
19 permitted by the class of license issued to the holder is deemed to be driving a
20 motor vehicle without being duly licensed under this chapter. The holder of a
21 classified license who desires to obtain a different class license in one of the
22 classes provided by this chapter must exchange or renew the license. The director
23 may adopt rules the director determines are necessary with respect to such
24 renewals or exchanges for the proper administration of this chapter. No class A, B,
25 or C license may be issued to any person under eighteen years of age, except a
26 class A, B, or C type license specially restricted to use for custom harvest
27 purposes must be issued to a person at least sixteen years of age who
28 satisfactorily completes the appropriate examinations.
- 29 4. If any holder of a license issued pursuant to this chapter suffers permanent loss of
30 use of a hand, arm, foot, leg, or eye, the person shall, before operating any motor
31 vehicle or motorcycle, make a report thereof to the director who shall take such

1 reasonable action as may be proper under the provisions of this chapter as to
2 reexamination to determine if the licensee is capable of operating vehicles for
3 which the individual is licensed.

4 5. The director may issue a motorized bicycle operator's permit to an applicant who is
5 at least fourteen years of age. To obtain a permit, the applicant shall pay a fee of
6 ten dollars and take a written examination of the applicant's knowledge of traffic
7 laws and general rules of the road. If the applicant passes the written examination
8 and the director is satisfied that the applicant has adequate eyesight, the director
9 may issue the applicant a motorized bicycle operator's permit, even if the applicant
10 does not have an operator's license. The permit expires in the same manner as an
11 operator's license. A person who has an operator's license, a temporary permit, an
12 instruction permit, or a motorcycle permit is not required to obtain a motorized
13 bicycle operator's permit.

14 **SECTION 3. AMENDMENT.** Section 39-06-19 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **39-06-19. Expiration of license - Renewal.** Every operator's license issued under this
17 chapter expires and is renewed according to this section. The expiration date of operator's
18 license for every person whose birth occurred in a year ending in an odd numeral is twelve
19 midnight on the anniversary of the birthday in the second subsequent year ending in an odd
20 numeral. The expiration date of operator's license for every person whose birth occurred in a
21 year ending in an even numeral is twelve midnight on the anniversary of the birthday in the
22 second subsequent year ending in an even numeral. If the licensee has reached the age of
23 eighteen, and desires reissuance of a license with the distinctive background for licensees at
24 least the age of eighteen and under the age of twenty-one, the applicant may apply at any time
25 for a replacement license. If the licensee has reached the age of twenty-one and desires
26 reissuance of a license without the distinctive color background required by section 39-06-14,
27 the applicant may apply at any time for a replacement license. In all other cases, application
28 with fee for renewal of license must be presented to the director not prior to ten months before
29 the expiration date of the operator's license. The director may require an examination of an
30 applicant as upon an original application. The director may not renew an operator's license if
31 the license has been suspended under section 14-08.1-07. Upon the recommendation of the

1 court, the director may issue a temporary permit to the licensee under section 39-06.1-11 if the
2 temporary permit is necessary for the licensee to work and the court has determined the
3 licensee is making a good-faith effort to comply with the child support order. Every application
4 for renewal of a license by an applicant must be accompanied by a certificate of examination
5 from either the driver licensing or examining authorities or a physician or an optometrist,
6 licensed in this or another state, containing a statement as to the corrected and uncorrected
7 vision of the applicant. The director shall provide visual examination equipment at each
8 location where a license may be renewed. The initial application for a motor vehicle operator's
9 license may be accompanied by a statement of examination from a licensed physician or an
10 optometrist, stating the corrected and uncorrected vision of the applicant, in lieu of the
11 department examination. Such examination must be within six months of the driver license
12 application. Every person submitting an application and fee for renewal of license one year or
13 more after the expiration of a license, except an applicant whose military service has terminated
14 less than thirty days prior to such application, must be treated as a new driver. The fee for
15 renewal or replacement of an operator's license is ten dollars.